

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action, for the acknowledgement of Applicants' claim for foreign priority and the receipt of the certified copies of the priority documents. Applicants additionally with to thank the Examiner for considering the materials cited in the Information Disclosure Statement filed in the present application on August 4, 2006, by the return of the signed copy of the Form PTO-1449 attached to the Official Action.

Applicants note, however, that the Examiner did not confirm the acceptability of the drawings. Absent an indication to the contrary in the next Official communication, Applicants believe that the filed drawings are acceptable.

The Official Action objected to the specification and pointed to specific areas of the specification that required clarification. Accordingly, Applicants have amended the specification, and respectfully request that the objection to the specification be withdrawn.

Claims 8, 12, 13, and 17 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Claims 8, 12, 13, and 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Independent claims 8 and 13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by WELLS (U.S. Patent No. 3,831,131). Claims 8, 12, 13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WELLS in view of BRANDSTADTER (U.S. Patent No. 5,178,405).

Upon entry of the amendment, claims 8, 12, and 13 have been amended. In view of the restriction requirement, claims 1-7, 9-11, 14-16, and 18-21 are withdrawn from consideration. Thus, claims 8, 12, 13, and 17 are currently pending for consideration by the Examiner.

Claims 8, 12, 13, and 17 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement, since the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

First, the Official Action pointed to specification page 22 concerning the making of the tension of the band saw blade much larger than in the conventional configuration. As stated in the Official Action (and repeated above), the enablement requirement of 35 U.S.C. § 112, first paragraph, focuses on whether the claims contain subject matter that is not sufficiently presented in the specification. Thus, this inquiry is not focused on the sufficiency of the specification by itself. In other words, the enablement inquiry must first look to claims 8, 12, 13, and 17 to determine if they are sufficiently supported by the specification. Upon a review of these claims, none of claims 8, 12, 13, or 17 include features relating to the cited language regarding band saw blade tension. Accordingly, Applicants submit that this portion of the rejection is improper and should be withdrawn.

The Official Action then refers to dependent claims 12 and 17 asserting that the recited vibration generating device is not enabled by the specification because there is no description of how such a device would work, could be attached, or could be produced. Contrary to this assertion, Applicants' Figure 20 and specification paragraphs [0126]-[0129] illustrate and describe the vibration generating device (297). Applicants submit that Figure 20 and specification paragraphs [0126]-[0129] provide sufficient support for claims 12 and 17 that

would enable one of ordinary skill in the art to make and/or use the invention without undue experimentation.

Further, the Official Action points to the method claim 8 limitation “coupling the saw blade driving unit to the shaft of the driving wheel in the floating state in the saw blade rotating direction with respect to the saw blade housing” and asserts that this feature is not enabled because there is no diagram or explanation sufficient to explain to one of ordinary skill in the art how to perform this feature of the claim. Claim 8 has been amended to clarify this portion of the claim. Also, contrary to the Official Action’s assertion, Applicants’ Figures 15-17 and paragraphs [0106]-[0109] illustrate and describe this feature. Accordingly, Applicants submit that Applicants’ Figures 15-17 and paragraphs [0106]-[0109] provide sufficient support for claim 8 that would enable one of ordinary skill in the art to make and/or use the invention without undue experimentation.

In view of the above discussion, Applicants respectfully request that the rejection of claims 8, 12, 13, and 17 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement, be withdrawn.

Claims 8, 12, 13, and 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Official Action pointed to the language contained in independent claims 8 and 13. In response, claims 8, 12, and 13 have been amended to address the particular concerns discussed in the Official Action. Accordingly, Applicants’ respectfully request that the rejection of claims 8, 12, 13, and 17 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Independent claims 8 and 13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by WELLS. In particular, the Official Action asserts that WELLS' Figure 1 discloses a band saw machine that includes an endless saw blade (52), a driving wheel (43), a driven wheel (50), a saw blade driving unit (45) coupled to the driving wheel by a pulley system (46-48), and a saw blade housing (49 and 51). The Official Action also asserts that WELLS' column 3, lines 1-15, discloses that the saw blade driving unit is readily floatable and movable relative to the driving unit.

Amended claims 8 and 13 recite that the saw blade driving unit is coupled to a shaft of the driving wheel and having a casing that has a floating structure that can be rotated in a circumferential direction around the driving wheel shaft. This coupling arrangement is distinctly different from that disclosed in WELLS.

The Official Action also asserts that WELLS' Figure 1 discloses a buffer part (32 and 33) that controls the rotating direction of the saw blade and is provided at the saw blade housing, which automatically dampens a reaction force caused by the saw blade. This assertion appears to be based upon a misunderstanding of this feature of the claims. The asserted buffer parts (32 and 33) are really roller guide assemblies for the endless saw blade, not buffer parts. These assemblies primarily guide the saw blade and have nothing to do with the claimed controlling of the rotating direction of the saw blade driving unit. These assemblies are not an active buffer part designed to control and dampen the rotational reaction force on the saw blade driving unit that is generated by the driving of the saw blade. Nevertheless, amended claims 8 and 13 recite that the buffer part is for controlling a rotating direction of the saw blade driving unit, which rotates in a same direction as a saw blade rotating direction, and for damping a rotational

reaction force generated by driving of the saw blade, the buffer part being provided at the saw blade housing, which WELLS fails to disclose.

As expressed in the discussion above, Applicants submit that WELLS fails to disclose each and every feature recited in independent claims 8 and 13. Accordingly, Applicants respectfully request that the rejections of claims 8 and 13 under 35 U.S.C. § 102 (b) be withdrawn.

Claims 8, 12, 13, and 17 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over WELLS in view of BRANDSTADTER. As an initial matter, Applicants note that although the Official Action has included independent claims 8 and 13 in this rejection, the claims are not discussed in the body of the rejection.

With regard to dependent claims 12 and 17, the Examiner acknowledges that WELLS fails to disclose that the buffer part is a vibration generating device. However, the Official Action cites BRANDSTADTER for disclosing this feature. In reviewing the rejection, it is noted that the Official Action has only made a general reference to BRANDSTADTER and has not pointed out any specific drawing or paragraph contained therein.

Applicants submit that BRANDSTADTER has nothing to do with band saws, but rather is directed to a vehicle suspension system for wheeled or tracked heavy combat vehicles. More particularly, BRANDSTADTER is directed to providing a hydro-mechanical pressure control system for controlling the pressurization of an actuator that controls the damping action of a friction damper interposed between a vehicle hull and a road arm component of the vehicle suspension. BRANDSTADTER's system appears to use a hydraulic actuator that operates a friction damping device by varying the pressure on friction discs to damp both jounce and rebound movements of road arms relative to the vehicle's hull.


Applicants submit that BRANDSTADTER's system fails to disclose any component that could be construed as a vibration generating buffer device that applies vibration to dampen a reaction force. Applicants also submit that BRANDSTADTER is non-analogous art that is totally unrelated to WELLS' band saw technology. Applicants further submit that the applied references are not properly combinable and that the Official Action has used impermissible hindsight reasoning in attempting to combine these references, using Applicant's disclosure as a guide. Accordingly, Applicants respectfully request that the rejection of claims 8, 12, 13, and 17 under 35 U.S.C. § 103(a) be withdrawn.

SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the claims pending for consideration in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of allowance of claims 8, 12, 13, and 17 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering the equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Respectfully Submitted,
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